



**Tucson-Pima County Historical Commission**  
**Plans Review Subcommittee**  
**September 27, 2007**

**LEGAL ACTION REPORT**

1. Call to Order / Roll Call: 1:11 p.m.

Members Present: Kathy Nabours, Steve Herzog, Sharon Chadwick, Gal Witmer

Staff Present: Frank S. Podgorski, Michael Taku

2. Rio Nuevo Downtown Zone:

4<sup>th</sup> Avenue Underpass-Reconstruction; Intersection of North 4<sup>th</sup> Avenue/North Toole Avenue (Rio Nuevo Downtown Zone)

Presentation by Jim Glock, City of Tucson, Director, Department of Transportation, on the ongoing work related to the 4<sup>th</sup> Avenue Underpass located at the intersection of North 4<sup>th</sup> Avenue/North Toole Avenue. Slide show presentation includes all the amenities and plans related to the project and further enhanced by Paul Riemer, Design-Build Collaborative. American With Disabilities Act (ADA) requirements will be met with the installation of an elevator for mobility from one level of the project to another. The major building component will be "poured in place concrete" with graffiti proof exterior treatment and an oxidized metal paint for metal surfaces.

The commissioners reviewed the plans and had no comments or questions.

3. Regular Cases:

HPZ 07-14 Curtin-New Construction (Residence); 419 South Elias Avenue (Reconsideration) (Zoning Violation) (Barrio-Historico Preservation Zone)

Presentation by Steve Castro, builder and Mary Jo Curtin, property owner, on the approved construction of a new two-story residence in the Barrio-Historico Preservation Zone. The floor elevation was raised based on the recommendation of the City of Tucson Floodplain Section after historic review/approval was completed. The builder miscalculated the trusses in relationship to the height of the structure and the resulting height is higher than other structures in the development zone, resulting in the zoning violation. The project has been "red-tagged" by city inspectors. The Acting Zoning Administrator requested the builder/property owner provide the following: 1) A survey conducted by a registered engineer which confirms the development zone height; and, 2) return to the Historic Commission with an update on the project circumstances and request the Commission's support to move forward with the variance application

process. Both request items were presented to the commissioners. The complainant appeared at the meeting and presented approved plans for 431 South Elias Avenue which was used as the example of the highest structure in the development zone. The height at 431 South Elias was at approximately eighteen feet plus (18') with the height of the roof enclosure for mechanicals at (20'4").

A statement was read into the record by city staff on the recommendation of the City Attorney as to how to proceed with this case to seek relief for the builder and property owner: "The applicant is requesting a referral from the Historic Commission that supports the applicant seeking a variance to allow this structure to remain as constructed with a height that is 2'4" in excess of the maximum height allowed within this development zone."

Motion by Steve Herzog to recommend this case be tabled so commissioners can visit the site and the builder/property owner verify the engineer's survey of heights of structures in this development zone.

Seconded by Sharon Chadwick.

Motion passed unanimously. Vote 3-0. Acting Chair Nabours did not vote.

4. Current Issues for Information/Discussion:
  - a. Minor Reviews: Request for a minor review at 201-205 West Cushing Street for a "change of copy" of a sign in the Barrio-Historico Preservation Zone.
  - b. Appeals: No appeals at this time.
  - c. Zoning Violations: Zoning violations in historic preservation zones are reported to the Department of Neighborhood Resources at 792-CITY and a city inspector is sent to the site. If a zoning violation is confirmed, the property owner is taken through the historic preservation zone review/approval process to abate the zoning violation.
  - d. Historic Preservation Zone Ordinance Revisions: A meeting amongst plans review subcommittee members and city staff is tentatively scheduled after the regular plans review meeting on Thursday, October 25, 2007 to discuss the process for incorporating changes into the local historic guidelines, Section 2.8.8 of the City of Tucson Land Use Code and City of Tucson Development Standard 9.-02.
5. Call to the Audience: Paul Horbatt, property owner at 428 South Samaniego Avenue, the complainant for case HPZ 07-14, stated that he has lived in the neighborhood for thirty (30) years and that other property owners were unaware of this project until it was being built. He stated that notification of projects in the neighborhood should be sent to individual property owners. The commissioners reminded Mr. Horbatt that these are publicly noticed meetings posted by the City Clerk's office and that an active Barrio-Historico Advisory Board would alert property owners to proposed projects. Currently, the Barrio-Historico Advisory Board is inactive due to a lack of volunteers to serve on the board to review plans and make recommendations to Historic Commission and Development Services Director.
6. Meeting adjourned at 2:26 p.m.